

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**100 Maryland Avenue, Suite 217  
Rockville, MD 20850  
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

**CASE NO. A-6749**

**PETITION OF GEORGE AND ELEANOR HOWE**

**NOTICE OF HEARING**

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, pandemic-related conditions permitting, in the Stella B. Werner Council Office Building Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, **on Wednesday, the 15<sup>th</sup> day of June, 2022, at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 59-7.3.2.A of the Zoning Ordinance. In the event that an in-person hearing cannot be held, the Board will convene this hearing using technology (Microsoft Teams) in lieu of in-person attendance. Instructions for remote participation in this hearing will be posted on the Board's webpage (address above) if that becomes necessary.

The proposed construction, a detached deck, requires a variance of sixty (60) feet as it is within zero (0) feet of the front lot line. The required setback is sixty (60) feet, in accordance with Section 59.4.4.9.B.2 of the Montgomery County Zoning Ordinance.

The proposed construction, a detached deck, requires a variance to be forward of the rear building line. Section 59.4.4.9.B.2.a of the Montgomery County Zoning Ordinance requires that accessory structures be located behind the rear building line of the principal building.

The subject property is Lot 8, Block G, Sligo Park Hills Subdivision, located at **20 Hilltop Road, Silver Spring, Maryland 20910** in the R-60 Zone. (Tax Number Account No. 01049488)

Notices forwarded this 13<sup>th</sup> day of May 2022, to:

***George and Eleanor Howe***

***Paxton Holt Jordan***

Cliff Royalty, Esquire, Associate County Attorney

Washington Suburban Sanitary Commission

**EXHIBIT NO. 8(b)**



State Highway Administration  
County Board of Education  
Contiguous and confronting property owners  
Local Citizens Associations

County Board of Appeals

  
Barbara Jay  
Executive Director

**All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.**

**Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.**

**Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.**



**BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY, MARYLAND  
(240) 777-6600**

**Docket No. A-** 6749  
**Date Filed** 4-27-22  
**Hearing Date** 6-15-22  
**Time** 9:30 a.m.

**PETITION FOR VARIANCE UNDER ZONING ORDINANCE**

(Please Note Instructions on Reverse Side)

**(PLEASE PRINT)**

Name of Petitioner(s): George and Eleanor Howe

Address of Petitioner(s): 20 Hilltop Road City Silver Spring Zip 20910

Description of property involved: Lot 8 Block G Parcel NA Subdivision Sligo Park Hills

Street and No. 20 Hilltop Road City Silver Spring Zip 20910 Zone Classification R-60

Appellant's present legal interest in above property (check one): Tax Account No. 01049488  
☒ Owner (including joint ownership) ☐ Other (describe) \_\_\_\_\_

If not owner, name and address of owner: \_\_\_\_\_

What variance is requested, and what is the pertinent section of the Zoning Ordinance? 59-4.4.9-B-2-a detached deck (accessory structure) not behind rear building line (in front yard)  
59-4.4.9-B-2 detached deck (accessory structure) at the front lot line (within 0.00' of front lot line)

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:  
 \_\_\_\_\_ narrowness \_\_\_\_\_ shallowness \_\_\_\_\_ shape ☒ topography ☒ other extraordinary situations or conditions peculiar to this property.

Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: Large existing trees are located in front yard which prevent regrading to provide ADA access to home. A wheelchair accessible entrance to the home is required and an above grade deck/walkway allows this to be achieved without tree removal

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? two large existing tree would need to be removed in order to create accessible entrance to home, if ramp grading and paved access were used it would disrupt existing natural drainage flow

Date of recording of plat of present subdivision: 6.28.1928; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: \_\_\_\_\_

Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): NO

I have read the instructions on the reverse side of this form and am filing all required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.  
 Paxton Holt Jordan Paxton Holt Jordan George and Eleanor Howe

Name of Attorney/Agent (Print Name next to Signature) 715 G St. SE Washington DC 20003

Signature of Petitioner(s) (Print Name next to Signature) 20 Hilltop Road, Silver Spring, MD 20910

Address of Attorney 202-986-0711 holt@jordanhoneyman.com

Address of Petitioner 301-587-1356

eleanor.hs.howe@gmail.com  
ghowe@email.gwu.edu

Phone Number (OVER) Email Address

Home Phone

Work Phone

Email Address

EXHIBIT NO. 1



Zoning Board of Appeals  
Variance Application  
Statement of Justification

April 18, 2022



**JORDAN  
HONEYMAN**  
Landscape Architecture LLC

715 G Street, SE  
Washington, DC 20003  
202.986.0711  
www.jordanhoneyman.com

**Property Address:** 20 Hilltop Road, Silver Spring, MD 20910  
**Owner:** George and Eleanor Howe  
**Owner's Representative:** Holt Jordan, Jordan Honeyman Landscape Architecture

The homeowner requests a zoning variance to construct a detached accessory structure (detached wood deck) in the front yard, starting at the front lot line. While handicap features such as ramps are permitted in the front setback, the owner requests the variance to achieve handicap accessibility without compromising the large mature trees in the front yard and disrupting the natural drainage pattern of the site. Evidence to support the variance is as follows:

- Unusual and extraordinary conditions exist on the property since two large deciduous trees (20" maple, 24" oak) are located in an area of lower topography between the public right of way on Hilltop Road and the front entry to the home.
- The front yard of the property contains environmentally sensitive features of mature canopy trees.
- The special conditions are not a result of actions of the applicant as the mature canopy trees were planted by previous owners and have been in place for more than 50 years.
- The detached accessory structure (wood deck) is small in size and aligned to connect the lead walk in public space with the front entry door with space to turn and maneuver a wheelchair. Hilltop Road and the finish floor of the home are at approximately at the same elevation allowing an ADA accessible connection via a low deck structure. The structure is designing to minimize compaction and disturbance at the mature canopy trees.
- The proposed structure will be constructed of wood and does not have vertical elements that will impact the visual aesthetic of the neighborhood.
- Due to the depressed topography between Hilltop Road and the front entry, the proposed wood deck will not impact site lines for the adjacent properties. A concrete lead walk with stairs exists in this location, so the function and use of the space will be the same. If an ADA accessible paved walkway/ramp between the home and Hilltop Road were constructed (no variance required), the paved walkway would disrupt the natural drainage pattern of the site.

The variance submission was reviewed by Montgomery County Zoning Department of Permitting. The building permit denial letter from Delvin Daniels is included in the submission.

The proposed site plan was also reviewed by Chris Myers, Right of Way Plan Review Divisions, and found to be in compliance with right of way requirements. The gravel parking pad is existing and will remain. A 5' wide concrete lead walk will be permitted



in the right of way to connect the gravel parking pad with the wood deck at the property line.

The variance submission includes an existing conditions survey and site photos, scale site plan of the proposed condition and illustrative 3d model images of the proposed structure.









DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: GEORGE W & E H S HOWE

ADDRESS: 20 HILLTOP RD  
SILVER SPRING, MD 20910

LOT - BLOCK: 8 - G

ZONE:R-60

THE VARIANCE REQUEST IS FOR

☐ EXISTING STRUCTURE  
☐ NON-CONFORMING  
☐ NEW SINGLE-FAMILY DWELLING

☐ PROPOSED STRUCTURE  
☐ NON-COMPLYING

TYPE OF CONSTRUCTION:

☐ ROOM ADDITION  
☐ PORCH  
☐ SHED  
☐ ACCESSORY STRUCTURE  
☐ OTHER

☐ SWIMMING POOL  
☐ DECK  
☐ FENCE/RETAINING WALL  
☐ GARAGE/CARPORT

The proposed construction requires a 0.00 ft. variance as it is within 0.00 ft. of the lot line.

The required setback is 0.00 ft. in accordance with Section 59-.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from  
Section 59-4.4.9-B-2-a, accessory building not behind the rear building line

The proposed construction detached deck(accessory building) in the front yard..

*Delvin L. Daniels*

3/30/2022

Signature

Date

EXHIBIT NO.

6(a)





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: GEORGE W & E H S HOWE

ADDRESS: 20 HILLTOP RD  
SILVER SPRING, MD 20910

LOT - BLOCK: 8 - G

ZONE:R-60

THE VARIANCE REQUEST IS FOR

☐ N EXISTING STRUCTURE  
☐ N NON-CONFORMING  
☐ N NEW SINGLE-FAMILY DWELLING

☐ Y PROPOSED STRUCTURE  
☐ N NON-COMPLYING

TYPE OF CONSTRUCTION:

☐ N ROOM ADDITION  
☐ N PORCH  
☐ N SHED  
☐ Y ACCESSORY STRUCTURE  
☐ N OTHER

☐ N SWIMMING POOL  
☐ Y DECK  
☐ N FENCE/RETAINING WALL  
☐ N GARAGE/CARPORT

The proposed construction requires a 60.00 ft. variance as it is within 0.00 ft. of the front lot line.

The required setback is 60.00 ft. in accordance with Section 59-4.4.9-B-2.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:  
N/A

The proposed construction detached deck(accessory building)at the front lot line.

3/30/2022

Signature

Date

EXHIBIT NO. 6(b)



This map is protected by copyright. It may not be copied or reproduced in any form, including electronic means such as digitizing, scanning, and image processing, or by any means known or to be invented, without permission. In writing inform the Montgomery County Planning Department.



Montgomery County Planning Department



Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Arts & Ent. District	N/A
Special Tax District	N/A
Rain/Ped Priority Area	N/A
Urban Renewal Area	N/A
Metrol Station Policy Area	N/A
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	SILVER SPRING EAST
Historic Site/District	N/A

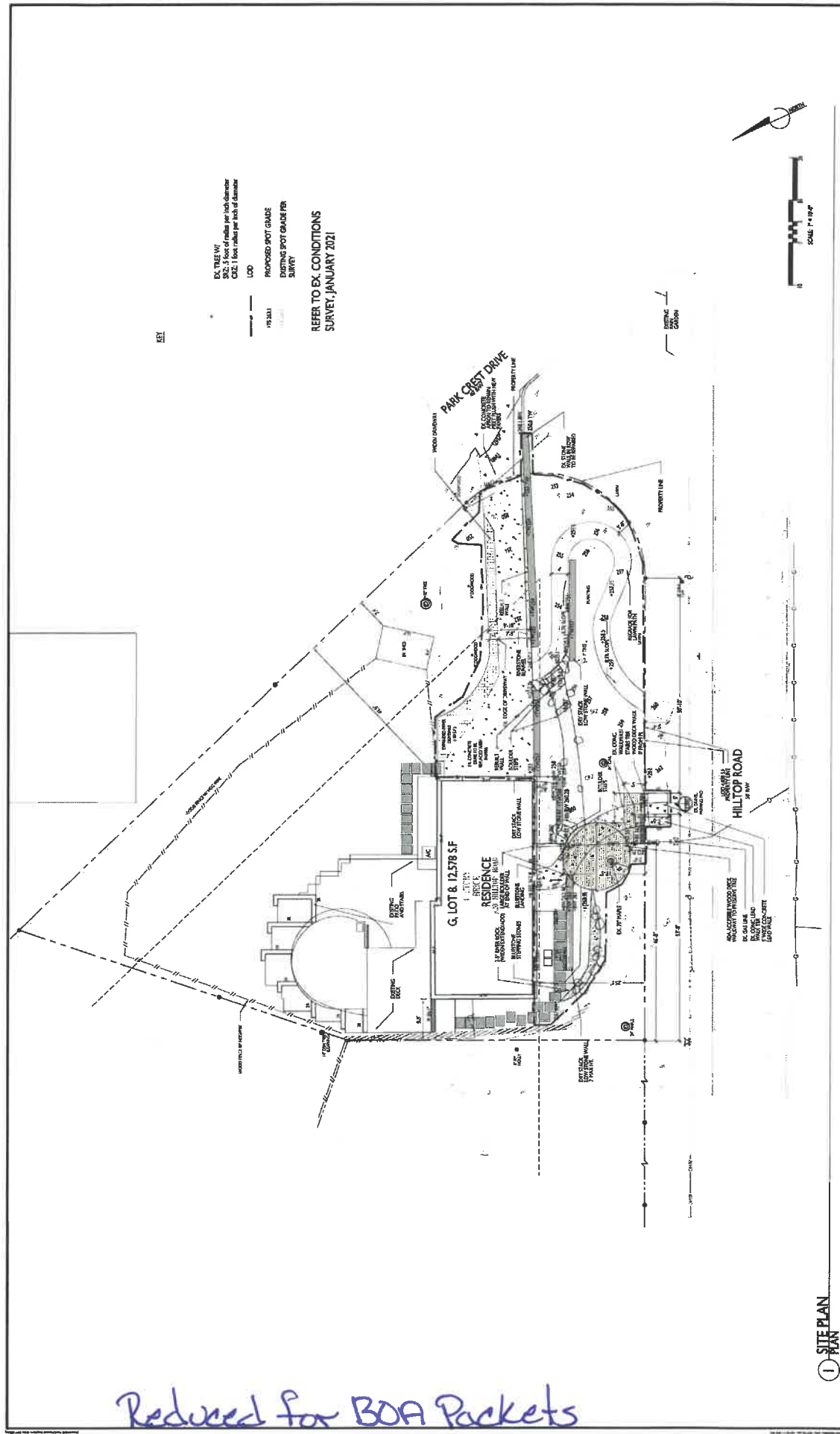
Printed: 10/14/2021

1 inch = 250 feet

Jonathan Jones

EXHIBIT NO. 7





Reduced for BOA Packets

① SITE PLAN PLAN



L002  
4.27.22  
3 of 4

Landscape Plan

Scale: 1" = 10'-0"

Howe Residence  
20 Hilltop Road  
Silver Spring, MD 20910

EXHIBIT NO. 5(a)





VIEW A FROM EXISTING PARKING PAD



VIEW B FROM EXISTING PARKING PAD



VIEW C ACCESSIBLE MAIN ENTRY FROM CORNER OF HOUSE



VIEW D ACCESSIBLE WOOD DECK



① SECTION/ELEVATION AT WOOD DECK  
ELEVATION

NTS



Howe Residence  
20 Hilltop Road  
Silver Spring, MD 20910

Landscape  
Perspectives/  
Section

Scale: NTS  
Revisions:

L003  
4.27.22  
4 of 4

Reduced for BOA Packets

EXHIBIT NO. 5(6)



Reduced for BOA Packets

Howe Residence  
20 Hilltop Road  
Silver Spring, MD 20910

ZONING VARIANCE SUBMISSION  
APRIL 27, 2022



Vicinity Map

DRAWING LIST	
##	SHEET #
1 of 4	001
2 of 4	L001
3 of 4	L002
4 of 4	L003
TITLE	
COVER SHEET	
SITE SURVEY/EX. CONDITION	
LANDSCAPE PLAN	
LANDSCAPE PERSPECTIVE/SECTION VIEWS	

Zoning Information

Map 140  
Map 140 G  
Lot 1  
Subdivision: 003, 500, 140, 1  
13, 374 sq  
Building Use: Residential  
Zone: R-40

SCOPE OF WORK

1. REPLACE EXISTING CONCRETE STAIRS AND LEAD WALK WITH ADA ACCESSIBLE WOOD DECK/WALKWAY TO ALIGN WITH FINISH FLOOR OF EXISTING RESIDENCE
2. PROTECT EXISTING TREES THROUGH USE OF WOOD DECKING
3. REPAIR AND REFINISH EXISTING WALK - IN RIGHT OF WAY FROM GATEWAY PARKING PAD TO WOOD WALKWAY
4. LOW, DRY STACK STONE RETAINING WALLS (PRIVATE PROPERTY)

EXISTING CONDITIONS PHOTOS



LANDSCAPE  
ARCHITECT/OWNER'S  
REPRESENTATIVE:



JORDAN  
HONZEMAN  
Landscape Architecture, LLC  
11400 Spring Hill Rd, Suite 100  
Silver Spring, MD 20901  
202.994.0771  
www.jordanhonzeman.com  
ATTN: Todd Jordan, Landscape Architect

001

Cover  
Sheet

1 of 4

EXHIBIT NO.

5(c)



**CASE NO. A-6749**

**PETITION OF GEORGE AND ELEANOR HOWE**

**EXHIBIT LIST**

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. Site Plan (**Large**)
5. (a) Landscape Plan (**L002**) (**Large**)  
(b) Landscape Perspectives/Section (**L003**) (**Large**)  
(c) Cover Sheet (**001**) (**Large**)
6. (a)-(b) DPS building permit denials
7. Zoning Vicinity Map
8. (a) Envelope showing date notice mailed  
(b) Notice of hearing scheduled for June 15, 2022
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_



Real Property Data Search ( )  
Search Result for MONTGOMERY COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 01049488

## Owner Information

Owner Name: HOWE GEORGE W & E H S Use: RESIDENTIAL  
Principal Residence: YES  
Mailing Address: 20 HILLTOP ROAD Deed Reference: /07774/ 00169  
SILVER SPRING MD 20910

## Location &amp; Structure Information

Premises Address: 20 HILLTOP RD Legal Description: SLIGO PARK HILLS SEC  
SILVER SPRING 20910-0000 1

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
JN43	0000	0000	13050023.16	0023		G	8	2022	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1956	1,344 SF	625 SF	12,578 SF	111

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	1/2 BRICK FRAME/4 FRAME	2 full		1 Attached	

## Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2021	07/01/2022
Land:	372,100	372,100		
Improvements	184,200	211,800		
Total:	556,300	583,900	556,300	565,500
Preferential Land:	0	0		

## Transfer Information

Seller:	Date:	Price:
Type: ARMS LENGTH IMPROVED	06/25/1987	\$146,300
	Deed1: /07774/ 00169	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

## Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

## Homestead Application Information

Homestead Application Status: Approved 01/12/2010

## Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date: